

## **Department of Toxic Substances Control**

## **2003 BIENNIAL REPORT**

# CALIFORNIA SUPPLEMENTAL INSTRUCTIONS

PLEASE READ THROUGH THE 2003 CALIFORNIA SUPPLEMENTAL INSTRUCTIONS BEFORE COMPLETING THE FORMS.

DOWNLOAD SOFTWARE FOR COMPLETING THE 2003 HAZARDOUS WASTE REPORT AT:

http://www.dtsc.ca.gov/HazardousWaste/index.html available January 12, 2003

# THIS SUPPLEMENT INCLUDES THE FOLLOWING: INTRODUCTION AND GENERAL INFORMATION

1.	INTRODUCTION TO THE 2003 BIENNIAL REPORT	1		
2.	PURPOSE	1		
3.	CHANGES TO THE 2003 BIENNIAL REPORT			
4.	CONFIDENTIAL BUSINESS INFORMATION	3		
	FILING INFORMATION			
1.	WHO MUST FILE THE 2003 BIENNIAL REPORT	4		
2.	EXTENSION REQUESTS			
3.	EXEMPTION REQUESTS			
4.	WHICH FORMS TO SUBMIT			
5.	FILING OPTIONS	7		
6.	WASTE REPORTER SOFTWARE TIPS			
7.	FREQUENTLY ASKED QUESTIONS	10		
	GETTING HELP			
1.	HELP TO SUBMIT THE 2003 BIENNIAL REPORT	12		
2.	BIENNIAL REPORT WORKSHOPS	13		
	PREPARING YOUR RETURN			
1.	WHEN AND WHERE TO FILE	14		

## INTRODUCTION AND GENERAL INFORMATION

### 1. INTRODUCTION TO THE 2003 BIENNIAL REPORT

Department of Toxic Substances Control (DTSC) has prepared these California Supplemental Instructions to assist generators that are required to submit a 2003 Biennial Report. Additional information such as these Supplemental Instructions, appendices, software and forms can be found on DTSC's website at:

### http://www.dtsc.ca.gov/HazardousWaste/index.html.

These instructions are designed to be used with the U.S. EPA 2003 Hazardous Waste Report booklet, (Form 8700-13A/B), prepared by the U.S. Environmental Protection Agency (U.S. EPA).

#### **Federal Authority**

The authorizing legislation for the Biennial Report is contained in Sections 3002 and 3004 of the Resource Conservation and Recovery Act (RCRA). Section 3002 requires hazardous waste generators to report to the U.S. EPA or authorized states, at least every two years, the quantities, and disposition of generated hazardous waste. Under the authority of Section 3004, the U.S. EPA has extended the reporting requirements to treatment, storage, and disposal facilities for the wastes that they receive.

## **California Authority**

The California biennial reporting requirement is found in Section 66262.41 of the California Code of Regulations (CCR) Title 22.

## 2. PURPOSE

The mission of DTSC is to protect public health and the environment from harmful exposure to hazardous waste. In order to effectively manage the State's hazardous waste, DTSC collects and maintains information about the generation, transportation, management, and final disposition of hazardous waste within the State, and about efforts to minimize or reduce these wastes.

The information gathered by the 2003 Biennial Report will be used to provide DTSC with an understanding of hazardous waste management activities and developing trends concerning generation and management methods. Your efforts in carefully filling out the forms will aid in that understanding.

#### 3. CHANGES TO THE 2003 BIENNIAL REPORT

In 2001, U.S. EPA made significant modifications to the Hazardous Waste Report based on a lengthy study of the information needs of U.S. EPA and state hazardous waste programs. Those changes were made to improve the consistency, accuracy, and reliability of the data. U.S. EPA has made a few more changes in this 2003 HWR based on the previous study. These modifications include:

- Site ID Form Items You must complete the entire RCRA Subtitle C Site Identification Form. This will update your record for all of your site's current regulated activities and related site information. You will report your current Hazardous Waste Generator status as of the date of submitting your 2003 Hazardous Waste Report; see Item 10.A.1 -Generator of Hazardous Waste.
- Deletion of the "RCRA radioactive mixed" (mixed waste) box on Form GM (Sec. 1.F) and on Form WR (H). You will, however, mark "Yes" on the Site Identification Form for Item 10.A.1.e Mixed Waste Generator if your site generates this waste.
- Addition of Source codes for foreign countries of origin for hazardous waste that is imported into the United States. This is reported on Form GM. In Section 1, Box D.

#### 4. CONFIDENTIAL BUSINESS INFORMATION

A facility may **not** withhold information from the 2003 Hazardous Waste Report on the basis that it is confidential. However, upon request, U.S. EPA will treat information reported in the 2003 Hazardous Waste Report confidential if it meets the conditions specified in Title 40 of the Code of Federal Regulations (CFR), Part 2, Subpart B. These regulations provide that a business may, if it desires, assert a claim of business confidentiality covering all or part of the information furnished in the 2003 Hazardous Waste Report. CFR Section 2.203(b) explains how to assert a claim of confidentiality.

U.S. EPA will treat information covered by such a claim in accordance with the procedures set forth in Subpart B. If someone requests release of information covered by a claim of confidentiality, or if U.S. EPA otherwise decides to make a determination as to whether such information is entitled to confidential treatment, U.S. EPA will notify the business. U.S. EPA will not disclose information as to when a claim of confidentiality has been made except to the extent of and in accordance with 40 CFR Part 2, Subpart B. However, if the business does not claim confidentiality when it furnishes the information, U.S. EPA may make the information available to the public without notice to the business.

## **CONFIDENTIAL BUSINESS INFORMATION (CBI) DEFINITION**

In California's Hazardous Waste Handing Statutes, Confidential Business Information (CBI) would be handled under the "Trade Secret" section, as defined by Health and Safety Code Section 25173. "Trade Secret" includes but is not limited to "any formula, plan, process, tool, mechanism, compound, procedure, production data or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce or compound an article of trade or a service having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it."

In fulfilling its statutory responsibility to protect from disclosure those records which are legally entitled to "trade secret" protection, DTSC must also ensure prompt access to those records which are not entitled to protection. Consequently, anyone wishing to claim or maintain entitlement to "trade secret" protection must submit, within 60 days of the date of submission of the Annual Report, responses to the following questions in support of their claim. This information must be submitted for each provision of each

document for which "Trade Secret" protection is sought. Claims of "Trade Secret" for entire files will not be honored unless claims for the contents of each document contained therein are substantiated by the responses to these questions:

- A. Is there extensive knowledge of the information outside your business?
- B. Is there extensive knowledge by employees and others in your business?
- C. Have extensive measures been taken to guard the secrecy of the information?
- D. Is the information valuable to competitors?
- E. Have there been substantial monetary expenditures in the development of the information?
- F. Could the information be easily and properly acquired or duplicated by others?
- G. Is there substantial showing of causation between disclosure of the information and foreseeable harm?

DTSC will review each assertion of "trade secret" in light of the answers to these questions. Accordingly, it is essential the "trade secret" claimants provide adequate documentation to fully and specifically answer these questions for each document under consideration. A simple "yes" response, without supporting information, will not be considered adequate to substantiate the claim.

## FILING INFORMATION

#### WHO MUST FILE THE 2003 BIENNIAL REPORT

You are required by Federal statute (mandatory reporting) to complete and file the 2003 Hazardous Waste Report (also known as the "Biennial Report") if your site:

 Meets the definition (see box below) of a RCRA Large Quantity Generator (LQG) during 2003; AND/OR

A site is a RCRA Large Quantity Generator (LQG) for 2003 if the site met any of the following criteria:

(a) The site generated, in any single calendar month, 1,000 kg (2,200 lbs) or more of RCRA hazardous waste; or

- (b) The site generated, in any single calendar month, or accumulated at any time, more than 1 kg (2.2 lbs) of RCRA acute hazardous waste; or
- (c) The site generated, in any single calendar month, or accumulated at any time, more than 100 kg (220 lbs) of spill cleanup material contaminated with RCRA acute hazardous waste.
- Treated, stored, or disposed of RCRA hazardous wastes on site during 2003.
- (a) Facility (TSDF) is required to file the 2003 Biennial Report if it meets any one of the following criteria:
  - The Facility (TSDF) operated under the authority of a full permit or under interim status pursuant to CCR, Title 22, Division 4.5, Sections 66264 or 66265 and stored, treated or disposed of RCRA hazardous waste at any time during 2003; This requirement, however, does not apply to Permanent Household Hazardous Waste Collection Facilities

## 2. EXTENSION REQUESTS

To obtain a 30 day extension for submission of the 2003 Biennial Report to April 1, 2004, complete all the information on the Request for Extension (Appendix A) and fax or mail before March 1, 2004.

Extensions will only be granted for those Facilities using Waste Reporter Software, or submitting using U.S. EPA Flat File format as outlined above. Large Facilities submitting paper reports in absence of an electronic copy as outlined above will be granted Extensions only under extreme circumstances.

Extension approval notification will be provided by telephone to the contact person listed on the form. If you prefer a written approval, please specify in the comments section, and we will provide such notification.

## 3. EXEMPTION REQUESTS

Please do not submit an Exemption Request for every Facility or generator you have. Submit only for those Facilities who have received a filing packet for the 2003 Biennial Report. If you have questions about which Facilities to file Exemption Requests for, please call the 2003 Biennial Report Help Line at (916) 322-2880. The Request for Exemption form can be found in Appendix B.

Exemption approval notification will be provided by telephone to the contact person listed on the form. If you prefer a written approval, please specify clearly in the comments section of the Exemption form, and we will provide such notification in writing.

## 4. WHICH FORMS TO SUBMIT

This table identifies which forms must be submitted by each of the four categories of treatment, storage and disposal facilities (TSDFs), which are:

Required Form	Explanation
ID	All sites must complete all sections
GM	All sites that are required to submit the 2003 Biennial Report and that generate waste are required to submit Form GM.
WR	Only off-site Facilities are required to submit Form WR. Facilities may group the waste by handling method and form code only if from the same offsite handler.
OI	Not required in California

## 5. FILING OPTIONS

DTSC strongly encourages all generators and facilities to electronically file their 2003 Hazardous Waste Reports using software. To that end, DTSC is making available for downloading software named Waste Reporter for your company to use to complete the Biennial Report. The software will be available at:

http://www.dtsc.ca.gov/HazardousWaste/index.html approximately January 12, 2004. The file is approximately 7.2 MB. DTSC is using the Waste Reporter program for the 2003 Biennial Report cycle. DTSC does not formally endorse the product being used; however, independent testing has proven its usefulness in Biennial Reporting.

The software simulates the paper forms, prompts you for your information and validates that information as you enter it. It also imports U.S. EPA flat files (call 916-322-2880 for assistance). Regardless of whether you manually enter your data or import flat files, the program validates the data you enter, reports invalid data, allows you to correct errors, then exports the data in a usable format for submission to DTSC for processing. You will not be able to export data unless all data you enter is error-free. It also allows you to print a copy of the completed report for your records.

Alternatively, you may submit your report on the forms provided in the U.S. EPA 2003 Hazardous Waste Report booklet. The forms maybe photocopied as required.

## **Waste Reporter Software Program**

Waste Reporter is a 32-bit program that is available for PCs using Windows 95, 98, or NT and is on CD-ROM. The program will not run on a Macintosh. The minimum specifications for running the software are as follows:

PC - Pentium preferred

Memory - 16 MB

Disk Space - 32 MB

Operating System - Win 95, 98, NT 3.51 and higher

## Previous programs can not be used for 2003 reporting

## You must submit a signed ID form if you submit your return electronically on a diskette or CD-ROM.

### 6. WASTE REPORTER SOFTWARE TIPS

**DESCRIPTION TEXT BOX**: If you can't type data into the Waste Description text box, click in the upper text box first, and then click in the description text box again, and you should be able to enter data.

**NAICS CODES**: Look up NAICS codes at **www.NAICS.com**. Your company may find that more than one code applies. Do not use 562111 or 562112 unless your business is mainly a hazardous waste collector or waste treatment plant. Refer to your 2001 Hazardous Waste Report for the codes you used in your previous report.

**COUNTY v. COUNTRY FIELDS**: Enter the COUNTY (e.g., Stanislaus) in the location address, and the COUNTRY (U.S.A.) in the mailing address. Use the drop down menus to identify the correct names.

**TAB NAVIGATION**: Use the TAB key to navigate between fields.

**WARNING MESSAGES**: These are <u>not</u> critical errors. The most common one regarding comments in the comments section is generally a reminder that comments are required. The software cannot verify that you have or have not entered the comments. Verify that you have, and then ignore the message. Another common one is for U.S. EPA ID number validity. Verify your U.S. EPA ID number through (415) 495-8895, and verify it has been entered correctly (e.g., zero for the letter "O"), and ignore the message.

**CRITICAL ERROR**: These messages are more serious. They are not just reminders, but are serious problems with the report. Most are easily repaired, such as a missing code, etc. Verify the data is correct, and run the validation again. If you cannot solve the CRITICAL ERRORS after a few attempts, call (916) 322-2880 for assistance. Do not re-

enter your data.

**UNIT OF MEASURE (UOM)**: Enter 1 for pounds, 2 for Short tons, 3 for Kilograms, 4 for Metric tons. For these weighted measures, do not enter density. For volume measures, enter 5 for Gallons, 6 for Liters, and 7 for Cubic Yards. For these volume measures, you must include density information, either in pounds per gallon (enter the weight in pounds of one gallon of the waste (should be over about 7) and check **Ibs/gal** box.) or in specific gravity (enter the specific gravity of the waste (should be under 3) and check the **sg** box. If you are not sure which to enter, call (916) 322-2880 for assistance.

**SUMMARY REPORT**: Run the Waste Reporter Summary Report to check for validity of data and whether the data amounts make sense (check if the software added any zeros to quantities, changed EPA ID numbers, or there were any data entry errors made).

**NON-REQUIRED FIELDS**: For fields that are not required, leave blank. Do not enter data.

**IMPORTING FILES**: You can use the "Import" feature to import your data stored in U.S. EPA Flat File format directly into Waste Reporter. For assistance with importing using the U.S. EPA Flat File format, call (916) 322-2880.

## 7. FREQUENTLY ASKED QUESTIONS

Questions	Answers	
Instructions and Forms		
How can I get another copy of the 2003 California Supplemental Instructions and Forms and/or the 2003 HWR Instructions and Forms?	You can download the 2003 California Supplemental Instructions and Forms and 2003 Hazardous Waste Report booklet from http://www.dtsc.ca.gov/HazardousWaste/index.ht ml If you do not have Internet access, contact us the Biennial Report Helpline.	
Where can I find the most current U.S. EPA Flat File Specifications?	You can download the 2003 U.S. EPA Flat File Specifications http://www.dtsc.ca.gov/HazardousWaste/index.ht ml If you do not have Internet access, contact us the Biennial Report Helpline.	
Who Is Required To File?		
Who is required to submit a 2003 Biennial Report?	LQGs and TSDFs who treated RCRA hazardous waste are required to file.	
Are "California Only" handlers required to file?	No	
I just bought this company. Am I required to file?	Yes. You should have received records of past hazardous waste handling activity from the previous owner. Contact the transporter for missing copies of manifests.	
I am no longer generating hazardous waste. Am I required to file?	Yes. You are only exempt if you ceased all operations and all clean up prior to January 1, 2003. Submit an Exemption Form (Appendix B).	
How do I submit an exemption?	Submit an Exemption Form, (Appendix B).	
Workshops/Training		
Where do I get for help with the software?	Check out the Waste Reporter Software Guide in Appendix K, and the Software Tips. Contact the Biennial Report Helpline.	
Are workshops or training sessions going to be given?	Yes. See the Section on Biennial Report Workshops which will be conducted at several locations	
Reporting Information		
My company only generates non-RCRA waste. Am I required to file?	No.	
Is wastewater reported?	No. If the wastewater is sent via a hard piped inline treatment system, directly to a Publicly Owned Treatment Works (POTW).  Call (916) 322-2880 for clarification.	

Questions	Answers	
Is universal waste reported?	No. Universal waste is exempt and is not reported.	
The waste we generate is shipped offsite to be recycled, is it reportable?	Yes. All RCRA waste your company generated is reportable.	
Do I report waste with a heating value above 3,000 BTU or 1% VOC?	No. Not required.	
Where can I find a list of RCRA (U.S. EPA) codes and other code lists?	See U.S. EPA Hazardous Waste Report Booklet	
Where can I find a list of Units of Measure?	See U.S. EPA Hazardous Waste Report Booklet	
How can I tell if I am exempt?	See Who Must File of the 2003 California Supplemental Instructions.	
I can't find all of my records? Will BRS Staff give me copies of my missing manifests?	DTSC requires the following fields to be completed:    FORM   SECTION   BLOCKS     ID   N/A   ALL     Fax # & Email     entered in block 13     GM   I   A, B, D, F, G     III   A, B, D     A, B, D, E, F, H     No. Contact the previous owner or the transporter to obtain missing manifests. If Unable to locate, contact the Generator Information Services at (800) 618-	
How do I submit my report?	Via mail, UPS or FED EX to:  2003 Biennial Report Staff (FLR 11-53D) Dept of Toxic Substances Control P.O. Box 806 Sacramento, CA 95812-0806  Physical address for UPS/Fed Ex:  2003 Biennial Report Staff (FLR 11-53D) Dept of Toxic Substances Control 1001 I Street, 11th Floor Sacramento, CA 95814	

Questions	Answers
Can I fax my report to meet the deadline?	No. Submissions must contain <b>original signatures</b> and must be <b>postmarked</b> , <b>not received</b> , by the deadline. Submissions should include an electronic version of the report
Internet	
Is information available on the Internet for	Yes. See
the 2003 Biennial Report and/or the 2003 HWR?	http://www.dtsc.ca.gov/HazardousWaste/index.ht ml for downloading 2003 Biennial Report Instructions and Biennial Report Forms, 2003 HWR Instructions, U.S. EPA Flat File Format, 2003 Waste Reporter Software, and Adobe Acrobat Reader.
Can I email my transmittal file?	No. Submissions must be signed and sent by mail, with the transmittal file diskette attached.
Software	
Where can I get the Waste Reporter software?	See http://www.dtsc.ca.gov/HazardousWaste/index.ht ml
What if I can't see the right hand scroll bar?	Resize your monitor resolution to 1024x768.

## **GETTING HELP**

## 1. HELP TO SUBMIT THE 2003 BIENNIAL REPORT

#### **CONTACT US**

To facilitate communications regarding the 2003 Biennial Report, a dedicated telephone number and general fax number are available. Our staff will reply by fax or phone within two working days. Those numbers are:

#### DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Fax number: (916) 322-1005 Fax Exemption/Extension Requests Only

DO NOT fax your report or Form ID.

Help Line: (916) 322-2880 Ask questions needing immediate response,

verifying NAICS codes, and software help.

E-mail address: BRSstaff@dtsc.ca.gov Use for asking highly detailed questions.

## DO NOT email your transmittal file.

#### U.S. ENVIRONMENTAL PROTECTION AGENCY

US EPA REGION IX HOTLINE (415) 222-8371

E-mail address BRSinfo@ttemi.com

## 2. BRS WORKSHOPS

To assist filers, DTSC is providing several 2-hour workshops in January. The following table provides a schedule of the workshops.

LOCATION	DATE AND TIME
Department of Toxic Substance Control	January 22, 2004 10:00 AM
8800 Cal Center Drive	January 22, 2004 1:00 PM
Training Room A-1-300	
Sacramento, CA	Capacity: 45 spaces per session
Department of Toxic Substance Control	January 20, 2004 10:00 AM
700 Heinz Avenue Suite 200	January 20, 2004 1:00 PM
Berkeley, CA 94710	
	Capacity: 70 spaces per session
Department of Toxic Substances	January 29, 2004 10:30 AM
Control/CAL EPA, Conf RM 1	January 29, 2004 1:30 PM
2878 Camino del Rio South, Suite 402	
San Diego, CA 92108	Capacity: 25 spaces per session
Department of Toxic Substance Control	January 27, 2004 10:30 PM
5796 Corporate Avenue	January 27, 2004 1:30 PM
Cypress, CA 90630	
	Capacity: 80 personnel per session

There is no charge for attending a workshop and there will be onsite registration. A photo ID is required and security checks may be conducted at the buildings. **Seating is on a first come, first served basis.** 

## PREPARING YOUR RETURN

## 1. WHEN AND WHERE TO FILE

Forms must be **postmarked** by: **MARCH 1, 2004** (postmark date)

Return Completed Reports to: 2003 Biennial Report Staff (FLR 11-53)

(First Class USPS Dept of Toxic Substances Control

is preferred) P.O. Box 806

Sacramento, CA 95812-0806

Physical address for Fed Ex: DTSC 2003 BRS STAFF (FLR 11-53)

1001 I Street, 11th Floor Sacramento, CA 95814

#### **ELECTRONIC REPORTING**

Electronic copies should be submitted, on diskette or CD-ROM, but must be accompanied by an original signed FORM ID, and must be created using either the Waste Reporter Software, or using the official U.S. EPA Flat File Format. Due to past problems with data format incompatibility, DTSC is requiring all electronic copies be submitted in one of the above formats

or FAX to: **(916) 322-1005** 

PO Box 806 SACRAMENTO, CA 95812-0806

## 2003 HAZARDOUS WASTE REPORT FILING DATE EXTENSION REQUEST

I request a fil for the follow	ing date extension for the 2003 Hing facility:	lazardous Waste R	Report	
EPA ID L				
Site Name:				
Site Location	Address:			
City:		State:	Zip	
Contact Nam	e:			
Email Addres	s:			
Contact Title				
Phone Number of Contact:Ext				
REASON FO	R EXTENSION:			
Autho	rized Signature of the Facility			Date
Return to:	Department of Toxic Substance Hazardous Waste Management Attn: Biennial Report Staff 1001 I St, 11th Floor, P.O. Box Sacramento, California 95812-	t Program 806		Date

PO Box 806 SACRAMENTO, CA 95812-0806

## 2003 HAZARDOUS WASTE REPORT EXEMPTION REQUEST

EPA ID			
Contact Na	ontact Name: Phone:		
Facility/Ger	nerator Name:		
Mailing Add	dress:		
Mailing City	/:	State: Zip:	
E-Mail Add	ress:		
	2003 BIENNIA	AL REPORTING REQUIREMENTS:	
The	company must be a RCR/	A Large Quantity Generator in 2003 (at a specific location)	
		AND/OR	
A co	empany that treated, stored	d, or disposed of RCRA hazardous wastes in 2003.	
Not requi	ired to file the 2003 H	azardous Waste Report	
•	•	re criteria, you are not required to file a Hazardous Waste information below for our records.	
Site Location	on Address:		
City:		State: Zip:	
Reason Fo	r Exemption:		
Return to:	Department of Toxic S Hazardous Waste Man Attn: Biennial Report S 1001 I St, 11th Floor, P	agement Program Staff	

or FAX to: (916) 322-1005

Sacramento, California 95812-0806

## **APPENDIX B**